

# Commissioner's UPDATE

News from the New Jersey Department of Environmental Protection

January — February 2003



## A Message from Bradley M. Campbell, Commissioner

Welcome to DEP's *Commissioner's Update*. Through these pages I plan to keep New Jersey's community leaders up to date on some of the work we are doing to protect our state's environment, the health of our people and our quality of life.

In this, our debut issue, I particularly want to share with you some of the work the department is doing as part of Governor McGreevey's statewide effort to promote smart growth. We all suffer from the traffic congestion, lost productivity, poor air and water quality and higher infrastructure costs that result from sprawling development. New Jersey can and must do better.

Under the governor's leadership, we are already making progress. Governor McGreevey has laid out a vision for New Jersey's future and we at DEP are fully committed to making it a reality. Inside this newsletter I share with you some of the steps we have taken and I pledge to you that we will continue to explore solutions to these vexing problems facing our state.

I hope you find the information presented here informative and I encourage you to write me with your comments or suggestions for future issues.

*Bradley M. Campbell*

## Governor James E. McGreevey Signs Clean Communities Act



*County and municipal elected officials join business and environmental leaders to witness Governor McGreevey sign the Clean Communities bill into law at New Brunswick's Department of Public Works.  
(story on page 4)*

## New Jersey Takes Action to Combat Sprawl

**T**hroughout New Jersey, people are spending more time in traffic jams than with their families. We are competing with each other for limited parks and open space that are increasingly overcrowded. We are spending more money to repair the damage to our air, water and lands done by sprawl than we are in protecting our environment and enhancing our quality of life.

To change these grim facts, Governor James E. McGreevey has articulated a clear vision for smart growth and has directed the DEP and all agencies of state government to accomplish three central objectives.

First, we must promote and accelerate growth in already developed urban and suburban areas, or other areas identified through sound planning.

Second, we must make these developed areas more appealing places to live – with healthier air, cleaner water, and more parks and open space.

Third, we must reduce the rate at which our forests, open space, farmland and other undeveloped areas are being lost to development.

Within DEP, we have developed a number of strategies to achieve these goals. We are taking more aggressive and innovative steps to accelerate brownfields redevelopment. We are also overhauling our regulatory and funding programs — from an

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## Sprawl...

unpredictable, “one size fits all” approach to land use to one that is more predictable for municipalities and the regulated community, that facilitates development in appropriate areas and that sets a high bar for development in areas we need to protect. And we are establishing stronger standards and protections for our most precious natural resources.

## New Directions for Brownfields

Brownfields redevelopment can be a cornerstone of smart growth but our initial policies to promote brownfield redevelopment are becoming dated. We now confront a second generation of brownfields. New Jersey's brownfields programs have been adequate for the “first generation” of sites – those most amenable to redevelopment. The next generation presents tougher challenges. They have more complex cleanup problems, or may not be as well situated economically. And we confront them in a tougher economy.

At DEP, our vision of brownfields re-use includes residential as well as commercial and industrial development, and other alternatives. It also includes a “brownfields to greenfields” component which turns abandoned industrial sites into parks, recreation areas and wildlife refuges

To achieve this vision, we are working to eliminate areas of regulatory confusion that hinder cleanup and redevelopment. For example, we will not assert liability for damages against non-labile brownfield developers at a site where there is historical natural resource injury. We will also issue No Further Action (NFA) letters for soils when soil cleanup at a brownfield



*Governor McGreevey has committed to increasing park space in New Jersey. The Brownfield program is one of several approaches used to help achieve this goal.*

**“Brownfield redevelopment is a vital component of Governor McGreevey's smart growth efforts to stem the tide of sprawl.”**

**— Commissioner Bradley M. Campbell**

property is complete, but groundwater contamination may remain. NFA letters will also be available for groundwater when natural attenuation has been approved as the appropriate remedial action.

In coordination with municipalities, we will also stop allowing the “warehousing” of sites by those who think it's cheaper to leave a site idle than to clean it up. And we will explore the potential of area-wide planning and redevelopment in cities that have multiple brownfield sites. DEP has selected Trenton, Elizabeth and Camden to pilot a comprehensive approach to revitalize entire neighborhoods – instead of just a single property – through partnerships among local communities, local and state officials, and private parties.

Another key component of our new brownfield program is reforming the role of environmental consultants. DEP is developing a pre-qualified consultants program through which developers and responsible parties can contract with qualified contractors who will work under our direction. This change will help expedite remedial analysis, evaluation and decisions.

Our newly created Office of Brownfield Reuse will implement and serve as the focal point for these new brownfield programs.

## Regulatory Reform

Another area that DEP is focusing on is regulatory reform. We now have a “one size fits all” system in which every permit decision and application gets the same scrutiny regardless of whether it is in an appropriate or inappropriate area for development. Our present system is rightly derided as one that cannot say yes - since approvals can take years - and one that cannot say no - because even after going through a process that can take years, there are seldom meaningful standards that limit development.

*continued next page*

## Sprawl...

DEP is developing a tiered-system for permitting. We will identify areas as appropriate or inappropriate for growth and simplify the process to facilitate development and redevelopment in areas where we want it to occur.

Consistent with Governor McGreevey's message that we stop subsidizing sprawl, we also need to take a look at other programs. Our environmental infrastructure trust needs reform to ensure that already developed areas – particularly our older cities and suburbs – receive much more favorable treatment. Our Green Acres program is also being reformed to make better use of the funds we have. We need to provide more support for urban and suburban areas that have been shortchanged in the past while scare funds were spent to acquire areas that were unthreatened by development.

## Strengthened Resource Protection

The tiered approach to permitting must also be coupled with strengthened standards and protections so that we not only discourage growth where it should not occur, but also minimize the impacts of growth where it does occur.

Along these lines, Governor McGreevey met the first of his Earth Day commitments to provide new, tougher water quality protections (Category 1 protections) for our high-quality waters, especially drinking water resources that are critical for New Jersey's expanding population. We also recently proposed new



*The Manasquan Reservoir (Howell Township) has a storage capacity of 4.76 billion gallons and a safe yield of 30 million gallons per day. Tougher water quality standards will protect drinking water resources for the State's expanding population.*

stormwater regulations for new and existing development that will reduce non-point source pollution from storm runoff, the source of an estimated 60 percent of current water pollution.

Under Governor McGreevey's leadership, I am confident that this administration will move smart growth beyond concept to reality in New Jersey. We will create livable communities. And we will protect our precious natural resources.



In 2003, DEP will celebrate the 30th anniversary of New Jersey's *Endangered and Nongame Species Conservation Act*. The law, which went into effect on December 14, 1973, protects the state's threatened and endangered species.

On the left, Governor McGreevey cradles a bald eagle during the state's annual winter bald eagle count. The eagle is one of the species protected under the law.



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## McGreevey Administration Sues Feds to Protect Air Quality

**G**overnor James E. McGreevey, joining eight other Northeastern and Mid-Atlantic states, filed a court challenge to new Environmental Protection Agency rules that would dramatically weaken federal clean air protections. The rules gut the New Source Review provision of the Clean Air Act, which required major sources of air pollution to install new pollution controls when making any physical or operational changes that significantly increased their emissions.

With more than one-third of the pollution impairing New Jersey's air quality coming from outside the state, the new rule allows out-of-state facilities to continue polluting our air. It also gives businesses in other states an unfair competitive advantage in that they are not subject to the same strict environmental standards prevalent in our region.

The lawsuit will be heard in the U.S. Court of Appeals for the District of Columbia Circuit. Joining in the suit with New Jersey are New York, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island and Vermont.

## Clean Communities Legislation Now Law

**P**ledging to keep New Jersey's communities clean and litter free, Governor James E. McGreevey signed the Clean Communities Act on December 20th. The law, passed with overwhelming bipartisan support, will generate approximately \$14 million annually to support recycling, promote highway cleanup programs, clean graffiti, implement anti-litter campaigns and maintain state parks.

While 10 percent of the Clean Communities fund goes to the DEP to keep state parks clean, the majority is distributed as grants to counties and municipalities. Grant recipients are asked to appoint a Clean Communities Coordinator to implement cleanup, enforcement and education programs. This statewide network of coordinators is the backbone of the program.

The bill also allocates \$300,000 to a nonprofit organization to implement a comprehensive, statewide education program to change the behavior that causes littering. The Clean Communities Council, Inc. is the recipient of the grant. Under the leadership of Governor McGreevey, the department will work closely with the Clean Communities Council, Inc. and its network of dedicated coordinators, to keep New Jersey clean and litter-free.